

Chapter 232-13 WAC

PUBLIC CONDUCT IN WILDLIFE AREAS AND ACCESS SITES OWNED OR CONTROLLED BY THE DEPARTMENT OF FISH AND WILDLIFE

NEW SECTION

WAC 232-13-010 Introduction. The Washington department of fish and wildlife 's (department) ~~is governed by a dual mandate.~~ ~~Its~~ paramount responsibility is to preserve, protect, perpetuate, and manage the fish and wildlife species of the state (RCW 77.04.012). ~~At the same time, t~~ The department strives to maximize fishing, ~~—~~hunting, ~~fishing,~~ fish and wildlife appreciation, and other outdoor recreational ~~activities~~ opportunities compatible with healthy and diverse fish and wildlife populations. (RCW 77.04.012, 77.04.020 and 77.04.055.)

NEW SECTION

WAC 232-13-020 Purpose. The ~~P~~primary purposes ~~s~~ of department lands is the preservation, protection, perpetuation and management of fish and wildlife and their habitats. Public use of department lands may include fishing, hunting, fish and wildlife appreciation, and other outdoor recreational opportunities when compatible with healthy and diverse fish and wildlife populations.

~~for the public use of department-owned or controlled public lands, waters, or access areas include lawful hunting and fishing, wildlife observation, other wildlife-oriented recreational activities, and outdoor recreation compatible with healthy and diverse fish and wildlife populations.~~

NEW SECTION

WAC 232-13-030 Definitions. Definitions used in rules of the fish and wildlife commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) "Aircraft" means any machines designed to travel through the air, whether heavier or lighter than air, including but not limited to airplanes, dirigibles, balloons, and helicopters. The term "aircraft" shall not include paragliders or remote-controlled aircraft.

(2) "Campfire" means any open flame from a wood source.

(3) "Camping" means erecting a tent or shelter or arranging bedding, or both, or parking a recreational vehicle or other vehicle for the purpose of remaining overnight.

(4) "Campgrounds" are department-designated areas where camping is allowed.

(5) "Closed or restricted access" means any department-owned or controlled public lands, waters, or access areas (including roads and trails) that are gated and locked, closed by earthen mound, or designated as closed or posted as such with signs.

(6) "Commercial use or activity" is any use or activity on

department-controlled or managed lands, waters, or access areas:

(a) Where an entry or other type of fee is charged; or

(b) Where the primary purpose is the sale or barter of a good or service; and

(c) In either case, the term applies regardless of whether the use or activity is intended to produce a profit.

(7) "Director" means the department's director or his or her designee.

(8) "Department" means the Washington department of fish and wildlife.

(9) "Department land" means any area (including water, access areas, roads, and trails) under the ownership, management, lease, or control of the department, excluding private lands.

(10) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the National Marine Fisheries Service, State Parks commissioned officers, United States fish and wildlife special agents, Department of Natural Resources enforcement officers, and United States Forest Service officers, while the agents and officers are within their respective jurisdictions.

(11~~0~~) "Fire" means any open flame from any source or device, including but not limited to campfires, stoves, lanterns and barbeques.

(124) "Firearm," as defined in RCW 9.41.010, means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. For purposes of this chapter, "firearm" does not include BB guns, pellet guns, paintball guns, or other guns that use compressed air as a propellant, or immobilization guns used in animal restraint by department personnel.

(132) "Fireworks," as defined in RCW 70.77.126, means any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and which meets the definition of articles pyrotechnic or consumer fireworks or display fireworks.

(143) "Garbage," as defined in WAC 246-203-120, means all solid and semisolid kitchen refuse subject to decay or putrefaction, and all market waste of animal and vegetable matter that was intended to be used as food.

(154) "Incendiary" means causing or designed to cause fires, such as flares, bombs or other exploding or flammable devices.

(165) "Livestock," as defined in RCW 16.57.010, includes, but is not limited to, horses, mules, cattle, sheep, swine, and goats.

(176) "Motorized vehicle," as defined in RCW 46.09.020 and 46.04.320, means a vehicle that derives motive power from an internal combustion engine or is propelled by electric power. For purposes of this chapter, it does not mean motorized wheel chairs used by persons with disabilities.

(187) "Parking," as defined in RCW 46.04.381, means the

standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(198) "Pet" means a dog, cat, or any animal that has been domesticated, except livestock.

(2019) "Possession" means exercising direct physical control or dominion, with or without ownership, over weapons, traps, nets, or other property, or archeological, cultural, or natural resources.

(210) "Road," pursuant to RCW 46.04.500 and 46.04.197, means that portion of an every way publicly maintained for the purposes of vehicular travel. For purposes of this chapter, "road" means a road wholly or partly within or adjacent to and serving department-owned or controlled public lands, waters, or access areas under the jurisdiction of the department.

(221) "Snowmobile," as defined in RCW 46.10.010, shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to, the motor vehicle excise tax in the state of Washington.

(232) "Trash and rubbish," as defined in WAC 246-203-120, means all waste material not of putrescible nature.

(243) "Tracer bullet or shell" means a bullet, projectile, or shell that traces its own course in the air with a trail of smoke, chemical incandescence, or fire, so as to facilitate

adjustment of the aim.

(2~~5~~⁴) "Vessel" means any craft that is used or is capable of being used as a means of transportation on or under water or ice, including but not limited to powerboats, cruisers, houseboats, sailboats, airboats, hovercraft, rowboats, canoes, kayaks, or other personal watercraft. This also includes buoyant devices permitting or capable of free flotation.

NEW SECTION

WAC 232-13-040 Aircraft. (1) Except as authorized by the director or the ~~director~~ Commissioner of Public Lands ~~of the department of natural resources~~, it is unlawful to land aircraft on department lands, except in the case of a bona fide emergency.

(2) This section does not apply to official aircraft used in the performance of department approved scientific research, search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations, fire fighting activities, or other agency administrative activities.

NEW SECTION

WAC 232-13-050 Behavior and conduct. (1)(a) It is unlawful to engage in disorderly conduct on department lands. Disorderly conduct is a misdemeanor, pursuant to RCW 9A.84.030.

(b) For the purposes of this subsection, a person is guilty of disorderly conduct if he or she:

(i) Uses abusive language and thereby intentionally creates a risk of assault;

(ii) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

(iii) Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

(2)(a) It is unlawful to possess or dispense beer or malt liquor in quantities subject to keg registration laws under RCW 66.28.210, on department lands, without a permit from the director. Violating this subsection is a misdemeanor, pursuant to RCW 77.15.230.

(b) It is unlawful to hold, sponsor, or attend an event requiring a banquet permit under chapter 314-18 WAC from the liquor control board, on department lands without a permit from the director. Violating this subsection is a misdemeanor, pursuant to RCW 77.15.230.

(3) Pursuant to RCW 77.15.230 ~~and WAC 232-12-187~~, it is unlawful to use department lands in a manner or for a purpose contrary to signs or notices posted on those lands, waters, or access areas. Violating this subsection is a misdemeanor, pursuant to RCW 77.15.230.

~~Pursuant to RCW 77.15.230, unlawful use of department lands is a misdemeanor.~~

NEW SECTION

WAC 232-13-060 Camping. (1) It is unlawful to establish or occupy a camp on department lands in excess of twenty-one days within a thirty-day period, except when allowed by department posted notice.

(2) It is unlawful to establish or occupy a residence camp on department lands. For purposes of this section, a residence camp is an encampment, occupancy, or presence on department lands that is the principal place of residence for the person or occupant.

(3) A residence camp on department lands is declared to be a public nuisance and may be abated by the department after ~~within~~ ten days of notification by the department.

NEW SECTION

~~WAC 232-13-070 Fires and campfires.~~ With the exception of campfires, fires in stoves, lanterns and barbeques, and fire used by the department for habitat management, it is unlawful to start or tend any other fire on department lands. ~~all other fires are prohibited on department lands.~~ Lawful ~~E~~campfires are limited to a maximum of three feet in diameter and three feet high. ~~All fires must be attended to at all times and extinguished before leaving.~~

NEW SECTION

WAC 232-13-080 Commercial use or activity. It is unlawful to use department lands for any commercial purposes, including but not limited to the placement of bee hives, collecting mushrooms or plants or plant parts; guiding or outfitting hunters, anglers, or whitewater rafters; or sales or services, without a permit from the director.

NEW SECTION

WAC 232-13-090 Noncommercial use or activity. It is unlawful to sponsor, conduct, or hold a private or public event, involving more than thirty people, on department lands without a permit from the director.

NEW SECTION

WAC 232-13-100 Dumping and sanitation. (1) It is unlawful for any person to throw, drop, or leave any discarded object, garbage, trash or rubbish, upon any department lands except into a litter or garbage receptacle or container installed for that purpose on such property. Violation of this subsection is pursuant to RCW 70.93.060, which makes it a class 3 civil infraction to litter in an amount less than or equal to one cubic foot; a misdemeanor to litter in an amount greater than one cubic foot but less than one cubic yard; and a gross misdemeanor to litter in an amount of one cubic yard or more.

(2) It is unlawful to drain or dump refuse or human waste from any trailer, camper, automobile, other vehicle, or vessel on department lands.

(3) Except for department-owned vehicles or vehicles used by the department for department administration, it is unlawful to clean or wash any automobile, vessel, or other vehicle on department lands. This subsection does not apply to ~~department-directed cleaning activities~~ actions to control and prevent the spread of ~~for~~ invasive species ~~control and prevention~~ provided only water is used.

NEW SECTION

WAC 232-13-110 Enforcement. (1) Fish and wildlife officers and ex officio fish and wildlife officers have the authority to remove from department lands people who have violated the law or failed to obey department regulations.

(2) It is unlawful to fail, neglect, or refuse to obey the directions of such officers regarding the use of department lands. Violating this subsection is a misdemeanor, pursuant to RCW 77.15.230.

NEW SECTION

WAC 232-13-120 Erecting and using camps, blinds, and tree stand structures on department lands. (1)(a) It is unlawful to dig pits for the purpose of hunting waterfowl, or to cut trees or attach artificial fasteners (such as wire, staples or nails) to trees for the construction of camps, blinds and tree stands on department lands.

(b) All nonnatural materials used in the construction of blinds or tree stands must be removed from department lands at the end of the hunting season.

(2) All nondepartment owned blinds shall be available to the public on a "first-come-first-served" basis.

(3) Structures established as part of a camp must be removed from department lands by camp occupants at the end of the trip.

NEW SECTION

WAC 232-13-130 Firearms and target practicing. (1)(a) It is unlawful to discharge tracer or incendiary ammunition on department lands.

(b) It is unlawful to discharge firearms in those portions of department lands where or when such discharge is prohibited by department posted notice or from or within five hundred feet of a department designated campground. Violating this subsection is a gross misdemeanor if the violation creates a substantial risk of death or serious physical injury to another person, pursuant to RCW 9A.36.050.

(c) It is unlawful to fail to remove expended shell casings, ammunition packaging, or other related target debris, excluding clay pigeons, when target practicing on department lands at the conclusion of the target practice session and prior to departure from the area. Failure to remove any debris constitutes littering.

(d) The use of glass, signs, appliances, mattresses, TVs, furniture, and exploding items as targets in target practicing is prohibited.

(2) The department may designate locations and times for target practicing.

NEW SECTION

WAC 232-13-140 Fireworks. It is unlawful to discharge or possess fireworks, model rockets, or other devices containing any explosive or flammable compounds on department lands. This does not apply to gasoline or diesel powered equipment, cooking stoves or grills, lanterns, lighters, or heaters, or legal firearms.

NEW SECTION

WAC 232-13-150 Regulating public access. (1) The director may close or restrict access to department lands by an emergency or other permanent regulation on a seasonal, emergent, or permanent basis to protect human safety, vulnerable fish and wildlife resources or habitats, and department or other infrastructures from damage or abuse.

(2) The director may control public access on department lands to increase wildlife use in order to ,—improve hunter success, ~~and~~ or manage wildlife viewing opportunities. Public access may be controlled by limiting the number of users in the areas and/or limiting the days of the week or hours of the day that the public can access the area.

(3) It is unlawful to enter or remain on department lands or portions thereof when such restrictions are in place or are established by department posted notice. This does not apply during the administration of ~~a valid department grazing permit or agricultural lease by the permittee or lessee~~ authorized

activities.

NEW SECTION

WAC 232-13-160 Livestock. (1) Except where livestock is being used to transport riders or suppliers as part of a camping, hunting, or other outdoor recreational activity, it is unlawful for any person to allow livestock to be unattended or to graze or utilize department lands without a permit from the director.

(2) In addition to other penalties provided by law, any such person shall be liable to the department for a compensatory fee of two dollars per head of livestock per day.

(3) It is unlawful to fail to pay the compensatory fees assessed by the department pursuant to this section.

NEW SECTION

WAC 232-13-170 Parking. (1)(a) It is unlawful to park or leave a vehicle unattended for more than twenty-one days on department lands without a permit from the director.

(b) It is unlawful to leave a motor vehicle or trailer parked or standing on department lands when the vehicle is blocking access to a boat ramp, roadway, gate, or driveway or otherwise prevents egress or ingress to a department facility.

(c) Vehicles unlawfully parked or abandoned on department lands may be impounded by a fish and wildlife officer or ex officio fish and wildlife officer.

(2) Vehicles, vessels, motor homes, and trailers parked or abandoned for more than twenty-one consecutive days within a thirty-day period on department lands are declared to be public nuisances and may be impounded by a fish and wildlife officer or ex officio fish and wildlife officer ~~without notice or process~~.

(3) It is unlawful to moor a houseboat, other floating occupancy structure (excluding floating blinds used for waterfowl hunting), or dock on department lands without a permit from the director. Such unauthorized or unlawful boats, houseboats or other floating structures ~~are~~ may be declared ~~to be~~ public nuisances and may be abated ~~removed~~ by the department ~~without notice or process~~ after 10 days notice by the department.

NEW SECTION

WAC 232-13-180 Pets. (1) The department may prohibit or regulate pets, except for bona fide service animals for persons with disabilities, on department lands.

(2) It is unlawful for any person to allow pets to roam unattended ~~leave pets unattended~~ on department lands.

(3)(a) It is unlawful to cause or allow a ~~dog~~ pet to roam unleashed on department-owned lands from April 1 through July 31, unless posted otherwise.

(b) It is unlawful to cause or allow a ~~dog~~ pet to roam unleashed on designated access sites or within five hundred feet of a designated campground on department lands.

NEW SECTION

WAC 232-13-190 Resource removal. (1) Except for down dead wood collected for camping on department lands, it is unlawful to remove timber, wood, soils, minerals, fossils, plants, plant seeds or other property or artifacts from department lands without a permit from the director. This does not apply to mushrooms, fruits, or berries collected in quantities not to exceed one gallon per person per day for personal consumption.

(2) Unlawful removals constitute theft under chapter 9A.56 RCW.

NEW SECTION

WAC 232-13-200 Vehicle use. Except for use authorized by ~~permitted use by persons with disabilities, or for persons holding valid grazing permits or agricultural leases on the~~ department ~~lands~~, it is unlawful to possess or operate any motorized vehicle, including snowmobiles, on or across department lands, except on roads. Exceptions to the possession or operation of any motorized vehicle will be identified by posted sign.

NEW SECTION

WAC 232-13-210 Penalties. Unless otherwise provided, violation of any of the provisions of this chapter constitutes an infraction, pursuant to RCW 77.15.020 and 77.15.160.